

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-00057 JSW

Plaintiff,

**ORDER RESOLVING MOTION
TO WITHDRAW PETITION**

v.

ELISA M. LIPKINS,

Defendant.

_____ /

This matter comes before the Court upon consideration of Defendant's request to withdraw her motion to vacate the sentence imposed in this case. The Court has considered the parties' papers, relevant legal authority, and the record in this case, and it finds the matter suitable for disposition without oral argument. The Court GRANTS IN PART counsel's request for continued appointment of counsel. However, that appointment is limited to a period of three months from the date of this order, for the purpose of finishing the investigation described in the motion.

Defendant states that she does not wish to pursue her motion to vacate. The Government's opposition to Defendant's request to withdraw without prejudice essentially seeks a ruling on the merits of the motion. The Court grants the request to withdraw.

If Defendant files a subsequent motion to vacate, the Government shall be free to raise

1 any arguments in support of its position that such a motion should be barred or denied on the
2 merits, including an argument that Defendant must follow the procedures for filing a successive
3 petition.

4 This Order terminates Docket Nos. 52, 59 and 68, and the Clerk also shall terminate
5 *Lipkins v. United States of America*, No. 12-CV-112-JSW.

6 **IT IS SO ORDERED.**

7 Dated: July 16, 2012


8 JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE